IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5929 of 1987
with
Special Civil Application No.5930 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgement? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRABHUKRUPA KELAVNI TRUST
Versus
STATE OF GUJARAT

Appearance:
MR RN SHAH for Petitioner
MR RM DESAI for Respondent No. 1
MR AD OZA for Respondent No. 2

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 24/04/2000

ORAL JUDGEMENT

Both the petitions are filed by the petitioner for quashing and setting aside a Resolution dated June 20, 1987, and a consequential communication dated 3rd

July, 1987 and by directing the respondent-authorities to continue the policy of providing grant to the Secondary School of the Petitioner after a period of two years of its registration.

The learned counsel for the petitioner stated that three petitions were filed, seeking similar reliefs, being Special Civil Application Nos. 5929, 5930 and 5931, all of 1987. He further stated that one petition (Special Civil Application No.5931 of 1987) was placed for hearing. After considering the rival contentions of the parties, I had allowed that petition by issuing appropriate directions on March 30, 2000. Unfortunately, the present two petitions (Special Civil Application Nos. 5929 of 1987 and 5930 of 1987) were not placed along with the said matter and that is how the present petitions could not get disposed of. He, therefore, submitted that this petition also deserves to be allowed by issuing directions similar to those which were issued on March 30, 2000 in Special Civil Application No.5931 of 1987.

The learned Assistant Government Pleader does not dispute this fact and also that the validity of Government Resolution dated June 20, 1987 was challenged in Special Civil Application No.5931 of 1987 and after hearing the learned counsel for the petitioner as well as the Assistant Government Pleader, the petition was allowed.

In view of the fact that Special Civil Application No.5931 of 1987 was allowed, this petition also deserves to be allowed following the above decision and reiterating the reasons recorded in the said judgment. Accordingly, the following order is passed :-

The petition deserves to be partly allowed and is accordingly allowed. If the petitioner will make a representation to the respondent-authority within a period of one month from today, the authority will decide the same as expeditiously as possible, preferably within three months from the receipt of the representation in the light of the observations made by me in judgment and order in Special Civil Applicaiton No.5931 of 1987. Rule is made absolute to the above extent. In the facts and circumstances of the case, there shall be no order as to costs.

The office is directed to annex a copy of the judgment and order in Special Civil Application No.5931 of 1987 dated March 30, 2000 as part of the judgment in these petitions also.

24th April, 2000 (C.K. Thakkar, J.)

*****

(apj)